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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,502	04/27/2001	Martyn Gilbert	UDL-5648	3390
26294	7590	05/17/2005	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 526 SUPERIOR AVENUE, SUITE 1111 CLEVEVLAND, OH 44114			REID, CHERYL M	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,502

Applicant(s)

GILBERT, MARTYN

Examiner

Cheryl M. Reid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/2900
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Abstract**

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Specification***

2. The disclosure is objected to because of the following informalities: On Page 29 of the specification applicant recites " the opposed transmitter" Examiner is assuming that applicant intended to write "the opposite transmitter" . Appropriate correction is required.

3. For clarity regarding claims 26-31 applicant is suggested to format the claims in accordance with 37 CFR 1.75. See 37 CFR 1.75 and MPEP 608. The claim or claims must commence on a separate physical sheet or electronic page (37 CFR 1.52(b) (3)).

*Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP 608.01 (i)-(p).*

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 26-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner is unclear about many aspects of the claims which are not further clarified in the specification. For example Claim 26 recites "transmitting clock transition having the same polarity..." examiner is unclear of the meaning of the statement. Examiner assumes that applicant intended to write "...clock transition signal" since it seems to be transmittable. Another example is that of claim 27. Claim 27 recites "a first clock state" examiner is unclear of the definition of a "first clock state" and no specific definition nor description is provided in the specification. Another example is the statement "oscillating loop" recited in claim 29. Again, examiner is unclear of the definition and no specific definition nor description is provided in the specifications. Unclear, vague and indefinite language is used throughout claims 26-32 similar to what is noted above. Applicant is reminded that the specifications and claims must be written in a clear and concise manner, "The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention" (MPEP, 35 U.S.C. 112). Proper correction is required.

5. Claim 32 is rejected because it doesn't further limit the independent claim 31. "a claim in dependent form shall contain a reference to a claim previously set forth and

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then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers (MPEP, 35 U.S.C. 112). Examiner believes that the limitation recited in claim 31 "...traveling around the loop to provide a clock signal to control data transfer along the communications links" is the same limitation recited in claim 32 "the clock transitions traveling around the loop are used as said clock signal". Examiner believes that "clock transition" and "clock signal" are the same.

6. Claim 27 –28 recites the limitation "the first". There is insufficient antecedent basis for this limitation in the claim. Examiner is assuming that applicant is referring to "the first clock state" and this interpretation is using in examining the claim.

7. Claim 29 recites the limitation "the oscillating signal". There is insufficient antecedent basis for this limitation in the claim. Examiner is assuming that applicant is referring to "the oscillating loop" and this interpretation is using in examining the claim.

8. Claim 31 and 32 recites the limitation "the loop". There is insufficient antecedent basis for this limitation in the claim. Examiner is assuming that applicant is referring to "the oscillating loop" and this interpretation is using in examining the claim.

9. Applicant is **STRONGLY URGED** to carefully review and amend the specification, drawings, and claims in order to make a good faith attempt at bringing the application close to conformance with current U.S. practice. Applicant is again reminded that no new matter is allowed within the specification.

10. Applicant is urged to carefully review all claims in an attempt to expedite prosecution of the application. The numerous 112 errors present in the application may

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not be limited to what the Examiner has been able to discern due to the current state of the claims. The Examiner has made a good faith effort to identify every general type of error currently present in the claims to Applicant, but notes that additional errors such as enablement, written description, and antecedent basis problems may still be present in the claims and obscured by their current state.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 26-28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bontemps (US 5923663) and further in view of Ruane (6182135).

12. In general, the state of the disclosure and claims in the instant application preclude a limitation-by-limitation assessment of the claimed invention compared to the prior art. In an attempt to expedite prosecution, examiner has made a good faith effort in view of the above noted 112 issues to interpret the claims, giving each claim the broadest reasonable interpretation. Therefore prior art is applied under 35 U.S.C. §§ 102 and 103 accordingly. See *In re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962).

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13. In regards to claim 26, Bontemps teaches of a device having at least two communications sections suitable for connection to similar devices along different bi-directional communications links (Fig 2, item 218, col 7 lines 50-55) the device having a first communications section (fig 2, item 220a), a second communication section arranged (fig 2, item 220b). Bontemps teaches of receiving a signal (Col 7, lines 10-15) but does not explicitly teach of responding to the signal with the same or opposite polarity. Bontemps teaches of an inverter (Fig 4, item 408), it is well known that an inverter provides the opposite of the signal it receives. Ruane teaches of responding to a signal by sending a signal (Col 2, lines 60-65, Col 3, lines 1-5), Col 6, lines 55-60). One of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications for the reasons discussed in Ruane (Col 1, lines 20-25, 50-60).

14. In regards to claim 27 and 28 Bontemps teaches that when the first communication section is not connected ...it holds a first clock state( LINK\_DETECT1 signal is low) (Col 10, lines 55-56). Bontemps does not explicitly teach of second communication section (fig 2, item 220b) having the opposite of the first clock state. It would have been obvious to one of ordinary skill in the art at the time of invention to add the above-mentioned modification to because it would result in a more efficient system allowing user to easily differentiate between the first and second communication section when neither section is connected to another device.

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15. Claim 29-31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bontemp and Ruane as applied to claim 26 above, and further in view of Haartsen (US 5561399).

16. In regards to claim 29, Bontemp teaches of the first communications section is linked to the second communication section of another device or vice-versa (fig 2, item 214) but does not explicitly teach of forming an oscillating loop. Haartsen teaches on this aspect (Col 2, lines 43). One of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications for the reasons discussed in Haartsen (Col 1, lines 5-8).

17. In regards to claim 30, Bontemp teaches of the communication sections being linked (Col 2, lines 55-60) but does not teach of.... loop oscillating. Haartsen teaches on this aspect (Col 2, lines 40-45). One of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications for the reasons discussed in claim 29.

18. In regards to claim 31, Bontemp teaches of the aspects of at least two devices connected by at least one bi-directional communications link... (Col 2, lines 37-45, Col 8, lines 1-5, fig 2). Bontemp teaches of receiving a signal (Col 7, lines 10-15) but does not explicitly teach of responding to the signal with the same or opposite polarity.

Bontemps teaches of an inverter (Fig 4, item 408), it is well known that an inverter provides the opposite of the signal it receives. Ruane teaches of responding to a signal by sending a signal (Col 2, lines 60-65, Col 3, lines 1-5), Col 6, lines 55-60). One of ordinary skill in the art at the time of invention would have been motivated to make the



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above-mentioned modifications for the reasons discussed in Ruane (Col 1, lines 20-25, 50-60). In regards to the claim limitations relating to the oscillating loop, neither Bontemp nor Ruane teaches on this aspect, however, Haarsten teaches of this aspect (Col 1, lines 5-8). One of ordinary skill in the art at the time of invention would have been motivated for the reasons discussed in claim 29.

### ***Conclusion***

19. In conclusion, examiner reiterates the vagueness and lack of clarity of both the claim language and specification. Again, examiner respectfully requests that applicant amend his claims and specification to bring the application close to conformance with current U.S. practice. Applicant is again reminded that no new matter is allowed within the specification.

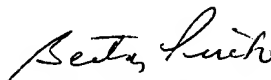
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (571) 272-3888. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr

  
**BEATRIZ PRIETO**  
**PRIMARY EXAMINER**